

EXECUTIVE  
ASSISTANTDEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, D.C. 20226

OCT 9 2001

RECEIVED OCT 10 2001

Honorable John M. Shimkus  
Member of Congress  
508 West Main Street  
Collinsville, Illinois 62234

Dear Mr. Shimkus:

This is in response to your letter dated September 10, 2001, to the Bureau of Alcohol, Tobacco and Firearms (ATF) on behalf of your constituent, Mr. Cleo Wagner. Mr. Wagner has requested your assistance in obtaining restoration of his Federal firearms privileges as a result of his being denied a Firearms Owners Identification Card (FOID) by the State of Illinois.

Under the provisions of the Gun Control Act of 1968 (GCA), convicted felons and certain other persons are prohibited from possessing firearms. (See 18 U.S.C. § 922(g).) The GCA, however, provides the Secretary of the Treasury with the authority to grant relief from this disability where the Secretary determines that the person is not likely to act in a manner dangerous to the public safety. (See 18 U.S.C. § 925(c).) The Secretary delegated this authority to ATF.

Since October 1992, however, ATF's annual appropriation has prohibited the expending of any funds to investigate or act upon applications for relief from Federal firearms disabilities. This restriction is located in Pub. L. No. 106-554, 114 Stat. 2763, which contains ATF's appropriations for fiscal year 2001. As long as this provision is included in ATF appropriations legislation, the Bureau cannot act upon applications for restoration of Federal firearms privileges that are submitted by individuals.

-2-

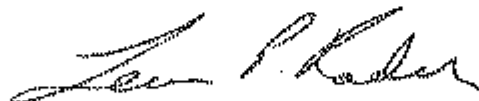
Honorable John M. Shimkus

Furthermore, the restriction contained in Pub. L. No. 106-554 does not change Mr. Wagner's status as a prohibited person. He is still prohibited from possessing, receiving, transporting, or shipping firearms under Federal law.

Additionally, as Mr. Wagner is aware, the State of Illinois no longer issues FOID cards to any individual convicted of a Federal offense. It appears that your constituent was convicted of a Federal offense. Therefore, the only other procedure available at this time for restoration of Federal firearms privileges for a person convicted of such an offense would be to apply for a Presidential pardon. Sections 1.1 through 1.10 of the C.F.R., Title 28, specify the rules governing petitions for obtaining Presidential pardons. Mr. Wagner can contact the Pardon Attorney's Office at the U.S. Department of Justice, 500 First Street, NW, Washington, DC 20530, to inquire about the necessary procedures for obtaining a Presidential pardon.

We hope this information is helpful in responding to your constituent. Please let me know if we can be of further assistance.

Sincerely yours,



Lewis F. Raden  
Executive Assistant to the Director  
Legislative Affairs

JOHN M. SHIMKUS  
20TH DISTRICT, ILLINOIS

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http://www.house.gov/shimkus

Congress of the United States  
House of Representatives  
Washington, DC 20515-1320

10/1003

513 CARRON BUILDING  
WASHINGTON, DC 20515  
(202) 225-5271

3130 CARRON RD., SUITE C  
BETHLEHEM, IL 62204  
(217) 482-9090

508 WEST MAIN STREET  
COLLINGSVILLE, IL 62234  
(618) 344-3009

221 EAST BROADWAY, SUITE 102  
CENTRALIA, IL 62801  
(618) 532-9676

November 7, 2001

U.S. Department of Justice  
Congressional Liaison Office  
Main Justice Building, Room 1145  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Re: Cleo Wagner

Dear Sir or Madam:

Mr. Cleo Wagner, my constituent, has asked me to send his Petition for Pardon After  
Completing Sentence to your office for forwarding to the Office of the Pardon Attorney,  
in order that I may monitor his case.

Please have someone on your staff investigate this matter and provide me with  
information, in order that I may respond to my constituent.

If I can be of further assistance, please don't hesitate to contact me.

Sincerely,

John M. Shimkus  
Member of Congress

JMS/dr  
Enc

RECEIVED  
NOV 14 2001  
U.S. DEPT. OF JUSTICE  
CONGRESSIONAL LIAISON OFFICE  
MAIN JUSTICE BUILDING, ROOM 1145  
950 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20530



## CONGRESSMAN JOHN SHIMKUS

508 West Main Street  
Collinsville, Illinois 62234  
(618) 344-3065  
FAX: (618)344-4215



## FAX COVER SHEET

Date: 2-6-02 Office: DOJTo: Roger Adams Pardon Atty.Fax Number: 202-611- Number of Pages: 22  
6069 (including cover page)

## Sent From:

☐ John Shimkus  
Member of Congress☐ Deb Detmers  
District Director☐ Ruth Buettner  
District Aide☒ Dora Rohan  
Executive Assistant☐ Steve Tomaszewski  
Press Secretary☐ Donna Graham  
District Aide☐ Nate Newcomb  
District Aide☐ \_\_\_\_\_  
Intern

Memo: Orig sent in mail in Nov '01. In  
April it might be late, as per Cong. Liaison  
office I am passing this to you.

## Confidentiality Notice:

The document accompanying this telecopy transmission contains information belonging to the sender which is confidential and may be legally privileged. The information is intended only for the use of the individual or the entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you received this telecopy in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

Congressman John Shimkus  
20<sup>th</sup> Congressional District, Illinois

**PRIVACY ACT RELEASE**  
Constituent Request for Service  
Consent for Release of Personal Records by Executive Agencies

I have sought assistance from Congressman Shimkus on a matter that may require the release of information maintained by your agency, and which may be prohibited from disseminating under the Privacy Act of 1974.

I hereby authorize you to release all relevant portions of my records or to discuss problems in this case with Congressman Shimkus or any authorized member of his staff until this matter is resolved.

Your name (please print): CLAY WAGNER

[Signature]  
(Your Signature)

9-1-32  
(Date of Birth)

[Redacted Address] PHILIP HENRY GARDNER, IL 62262  
(Your Address, City, State, Zip code)

[Redacted Phone Number]  
(Home Telephone #)

(VA Claim #, if applicable)

[Redacted Phone Number]  
(Your Home Telephone #. If none, # where you could be reached.)

8-23-2001  
(Date)

Please provide an explanation of the matter you would like Congressman Shimkus to pursue. Please use the reverse side of this form or attach a separate piece of paper if additional space is needed.

permission from ATP to <sup>removal of</sup> FOID CARD

MSG Graham DSP Specialist  
ATF Loan Officer in Collinsville

If possible, it would be greatly appreciated if you would please provide copies of any correspondence from the agency involved in this matter. Please return this form to the designated office:

3130 Chatham Rd., Ste. C, Springfield, IL 62704 or fax to (217) 492-5098

X 508 W. Main Street, Collinsville, IL 62234 or fax to (618) 344-4215

DORA Roman

221 E. Broadway, Ste. 102, Centralia, IL 62801 or fax to (618) 532-9676

Dear Mr. President,

I am submitting this **Petition for Pardon After Completion of Sentence** for your review. I hope you will consider my request and would like to tell you a little more about myself to help you with your decision.

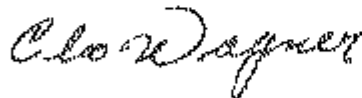
Since my conviction in 1979, I completed my sentence of probation with early release for good behavior and have maintained an unblemished record. I went on to become an elected official, Republican of course, as a Township Road Commissioner. Because of my hard work, ability to get along with the public, and my willingness to help others, I was recently elected to and am currently serving in my fourth term.

I am a devoted family man who has been married to the same woman for the past forty years. We have raised two children, son and daughter. Both are police officers and have dedicated their lives to helping others. I have two granddaughters that my wife and I are trying to help our children raise with the same moral values we taught our children growing up. I have great respect for you and your father who have always stood by these moral values while leading our country.

I completed my sentence and after the required time, applied for and received relief from the Illinois State Police granting me the right to carry a valid Illinois Firearm Owners Identification Card (FOID). I carried this card for many years until recent changes in the wording of the current law resulted in my FOID card privileges being revoked. I checked with the Illinois State Police and the Bureau of Alcohol, Tobacco, and Firearms and learned that under current law, I can only have my FOID card privileges reinstated if I received a full pardon. I am an avid pheasant and quail hunter, have been my entire life. My current situation makes it unlawful for me to hunt with a firearm or be in possession of one. I had my children take my firearms so that I would not be in violation of the law.

I am approaching my seventieth birthday and can tell I don't have very many hunting seasons left in me. I am submitting this petition so that my constitutional right to possess a firearm might be reinstated. I ask that you review my request and grant me a pardon so I may continue the things I enjoy. Thank you for your time and consideration.

Sincerely,



Cleo Wagner



U. S. Department of Justice

Pardon Attorney

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Washington, D.C. 20530

FEB 11 2002

The Honorable John M. Shimkus  
Member, U.S. House of Representatives  
508 West Main Street  
Collinsville, Illinois 62234

Dear Congressman Shimkus:

We have received the copy of the petition for pardon after completion of sentence that you submitted by facsimile on behalf of your constituent, Cleo Wagner. Although this office does not ordinarily accept copies of clemency petitions, because of the considerable delays in receipt of mail due to the anthrax situation, I am pleased to accept the copy you provided as an original. We have opened a clemency file for Mr. Wagner, and will be in touch with him directly concerning additional information that may be required or helpful in the near future. If the Postal Service should return the original copy of Mr. Shimkus' petition to your office, it would be of assistance if your staff could forward it to this office.

Thank you for your interest in this matter.

Sincerely,

Roger C. Adams  
Pardon Attorney



U. S. Department of Justice

Pardon Attorney

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Washington, D.C. 20530

JUN - 7 2002

The Honorable John M. Shimkus  
U. S. House of Representative  
Washington, D.C. 20515

Dear Congressman Shimkus:

I write regarding the petition for presidential pardon that your staff forwarded to this office from your constituent, Mr. Cleo Wagner.

Mr. Wagner's pardon application has been filed and is being processed. The executive clemency process frequently is lengthy, and we can give no estimate as to when the President will act upon any particular clemency request. Although we are thus unable to advise you when Mr. Wagner may expect to receive a decision concerning his application, please be assured that he will be notified promptly when final action has been taken.

Thank you for your interest in this matter.

Sincerely,

Roger C. Adams  
Pardon Attorney



JOHN M. SHIMKUS  
19TH DISTRICT, ILLINOIS

513 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5271

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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1319

August 26, 2004

3130 CHATHAM ROAD, SUITE C  
SPRINGFIELD, IL 62704  
(217) 492-5090

✓ 508 WEST MAIN STREET  
COLLINSVILLE, IL 62234  
(618) 344-3065

221 EAST BROADWAY, SUITE 102  
CENTRALIA, IL 62801  
(618) 532-9676

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120 SOUTH FAIR STREET  
OLNEY, IL 62450  
(618) 392-7737

www.house.gov/shimkus

U. S. Dept. of Justice  
Office of Legislative Affairs  
Main Justice Building, Room 1145  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Sir/Madam:

Thank you for your letter of June 7, 2002 regarding the petition for presidential pardon for Mr. Cleo Wagner.

Mr. Wagner has again contacted me and asked that I follow-up with your Pardon Attorney to see if there is any foreseeable conclusion to this matter. Mr. Wagner is now suffering from his second bout with cancer, and is concerned that the pardon issue will not be addressed soon. Please understand that I am not asking for this matter to be expedited, only if there is a possibility of informing Mr. Wagner of a possible outcome date.

If I can be of further assistance, please don't hesitate to contact me.

Sincerely,



JOHN SHIMKUS  
Member of Congress

JMS:dr

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2004 SEP 10 AM 11:54  
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U. S. Department of Justice

Pardon Attorney

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Washington, D.C. 20530

SEP 23 2004

The Honorable John M. Shimkus  
Member, U.S. House of Representatives  
508 West Main Street  
Collinsville, IL 62234

Dear Congressman Shimkus:

This responds to your letter of August 26, 2004, concerning the pardon application filed by your constituent, Cleo Pfeiffer Wagner.

Mr. Wagner's pardon petition remains under review. We will find your letter useful in considering the case and will make it part of his clemency file. The processing time for a pardon application can be lengthy, and we can give no assurance that final action will be taken by the President within a particular time frame. Accordingly, we are unable to advise you when you may expect a decision on Mr. Wagner's application. He will be notified promptly, however, when a final decision is made. We appreciate your interest in this matter.

Sincerely,

Roger C. Adams  
Pardon Attorney

109 1133 85

JOHN M. SHIMKUS  
20TH DISTRICT, ILLINOIS

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[www.house.gov/shimkus](http://www.house.gov/shimkus)

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1320

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3130 CHATHAM RD., SUITE C  
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COLLINSVILLE, IL 62234  
(618) 344-3065

221 EAST BROADWAY, SUITE 102  
CENTRALIA, IL 62801  
(618) 532-9676

January 19, 2002

U.S. Department of Justice  
Congressional Liaison Office  
Main Justice Building, Room 1145  
950 Pennsylvania Avenue NW  
Washington, DC 20530

RE: George H. Huber  
SSN [REDACTED]

B6

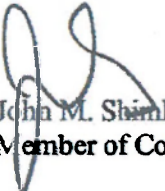
Dear Sir or Madam:

Mr. George H. Huber, my constituent, contacted me regarding his desire to receive a Presidential Pardon for a firearms related incident. I have enclosed a copy of his privacy act release form, along with narrative provided by him.

Please have someone on your staff investigate this matter and provide me with information, in order that I may respond to my constituent.

If I can be of further assistance, please don't hesitate to contact me.

Sincerely,

  
John M. Shimkus  
Member of Congress

JMS/dr  
Enc.



WF#  
11 33 85

U.S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

MAY 28 2002

The Honorable John M. Shimkus  
U.S. House of Representatives  
Washington, DC 20515-1320

Dear Congressman Shimkus:

This responds to your letter of January 19, 2002, forwarding correspondence from your constituent, Mr. George H. Huber, who writes to request assistance in obtaining a presidential pardon. I apologize for the delay in responding. Your correspondence appears to have been delayed due to the ongoing security issues with government mail and was just received in our office on May 14, 2002.

After reviewing information pertaining to Mr. Huber's sentencing and his correspondence, it appears that he is not yet eligible to apply for a presidential pardon. Under Section 1.2 of the "Rules Governing Petitions for Executive Clemency" (copy enclosed), a waiting period of at least five years after release from confinement (to include home detention) (or conviction, if no confinement was served), is required before an individual becomes eligible to apply for a pardon. If this matter is brought to the attention of this office after the eligibility requirements have been met, the necessary forms and instructions will be provided. In the meantime, you may wish to provide to Mr. Huber for his review the enclosed "Information and Instructions on Pardons."

While a presidential pardon will restore civil rights lost because of a federal felony conviction, Mr. Huber should be aware that pardons are not routinely granted.

Thank you for your interest in clemency matters.

Sincerely,

Roger C. Adams  
Pardon Attorney

Enclosures